

Information Documents

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Official Visits of the Secretary General to:

- a) Poland, 4-5 July 2002
 - b) Armenia, 9-10 July 2002
 - c) “The former Yugoslav Republic of Macedonia”,
 19 July 2002
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a) Poland, 4-5 July 2002

On 4 and 5 July I paid an official visit to Poland during which I met representatives of the highest authorities of the country: President, Speaker (Marshall) of the Sejm, Prime Minister, Deputy Speaker of the Senate, Minister for Foreign Affairs, representatives of the Ministry of Interior and Justice and we had in-depth and to the point discussions on a number of issues of common concern. During my visit I also signed the memorandum of understanding on the Council of Europe's Information Office in Warsaw with the Minister for Foreign Affairs. I also awarded the Office's Director, Mrs Machinska, with the "pro merito" medal for her outstanding contribution to spreading the values and work of the Council of Europe in Poland since the setting-up of the Office 10 years ago.

Role of Poland in the Council of Europe

The role played by Poland in the 10 years of its membership of the Council of Europe has brought the country from being a recipient of assistance and co-operation programmes to a source of expertise and transfer of know-how in a number of areas, in particular, on local self-government reform and trans-frontier co-operation (see below). Poland wanted to continue to play an active role in the Council of Europe in particular after its accession to the European Union, in providing for a strong linkage between the European Union's membership requirements and Council of Europe's principles and standards. Of specific interest to Poland were the issues of: movement of persons, fight against terrorism, human rights protection and the diversity of Europe's cultures. In this context Poland has supported the holding of a 3rd Council of Europe Summit of Heads of State and Government, which it would also be willing to host, and suggested as one of the possible topics the dialogue among civilisations.

European landscape (European Union enlargement)

Poland was working very hard in this negotiation phase, trying to close all the chapters (justice and home affairs expected to be closed at the end of July). The closing of negotiations is foreseen for October, however, the Polish authorities expressed concern at the possible delays due to internal European Union processes linked to events beyond their control. Hope was expressed by both sides that the green light for accession would be given at the Copenhagen summit on 12-13 December 2002 (21st anniversary of the imposition of marshal law in Poland). The Polish authorities fully agreed with me that, once the first wave of enlargement completed (2004), we must ensure that the European Union will make full use of the Council of Europe's standards and instruments and that we avoid introducing new "dividing lines" in our continent by creating an "Eastern border" complicating contacts and movement of people.

Trans-frontier co-operation

Poland has been for years the champion of trans-frontier co-operation, established with all of its neighbours and providing for close and frequent exchange of ideas, people, business, etc. Having successfully completed its local government reform, Poland is well placed to contribute its expertise to other regions in Europe that are experimenting with decentralisation schemes (in particular South East Europe). For my part, I confirmed the Council of Europe's full support for such efforts and stressed with all of my interlocutors that I considered the role of Poland key in this respect in the light of the current situation with the European Union's future "Eastern border" in particular concerning the Kaliningrad area, Belarus and Ukraine.

Kaliningrad

The common concern expressed by all my interlocutors with regard to Kaliningrad, was to assist in contributing to a better economic and social development of the area and to allow for unimpeded passage across the Polish border and increased cross-frontier co-operation. With respect to the question of visa requirements (to be introduced next July in preparation of Poland's entry into the Schengen area) the authorities seemed pleased with the formula agreed at the last European Union Summit at Seville which speaks of a "flexible and efficient" framework. Within this context, the main concerns of the Polish government were: to guarantee equal treatment of all the citizens of its neighbouring countries (Russian Federation, Ukraine, Belarus) and to avoid a special control procedure at the Polish-German border. Poland is already looking into the question of facilitating the visa issuance procedure by providing for multiple entry, long-term and inexpensive visas and free visas for students and young people. I expressed my full support to such an approach, in particular as regards the easing of visa issuance in order to "disenclave" Kaliningrad.

Belarus

The approach of Poland to Belarus can be summed up as follows: no political support to the State authorities; strong support to contacts at all other levels, including with opposition parties, NGOs, civil society representatives, businessmen as well as with local government and municipalities. A number of bilateral Poland-Belarus commissions meet regularly to review co-operation across the border in a number of areas in a very pragmatic fashion (i.e. construction of new border-crossing points, movement of goods, business contacts, etc.). Scholarships are offered to study in Poland. I stressed with all my interlocutors, including members of Parliament, the need to avoid the further isolation of Belarus and welcomed the positive steps taken by Poland in this respect. I evoked the idea of the possible setting-up of a "local democracy agency" in Belarus and my interlocutors - principally in the Ministry of Interior - seemed very interested.

Justice system

With representatives of the Ministry of Justice I raised the current backlog of cases before the European Court of Human Rights and the need for internal remedy to the question of excessive length of court proceedings. There was a general and wide-spread recognition of the problem - which is also mentioned in the European Commission country report - and of its causes: organisational lacunae, low number of magistrates, budgetary limitations, delay in information technology up-dates, training of judges, etc. A great effort was being deployed to catch up including by drafting legislation that would provide an effective internal remedy to chronic delays (however, not based on the "Pinto law" adopted in Italy). I encouraged my interlocutors in this direction and highlighted the need to keep the European Court of Human Rights system effective and credible.

b) Armenia, 9-10 July 2002

On 9 and 10 July 2002 I visited Armenia where I met the President of the country, the highest executive, parliamentary and judiciary authorities, as well as members of the opposition political parties, non-governmental organisations and the international organisations represented in Yerevan. I spoke to the media and gave a lecture at the Yerevan State University.

I would like to extend my thanks to the authorities of Armenia for their co-operation and generous hospitality.

This was the first official visit by a Secretary General of the Council of Europe since Armenia joined the Organisation.

Death penalty

Recently the Parliament of Armenia adopted at first reading a new Criminal Code. Capital punishment is not foreseen, except for crimes in times of war or imminent threat of war. However, as my interlocutors explained, the lifting of the death penalty will not have retroactive force, i.e., will not be applicable to crimes committed prior to the adoption of the new Code. Clearly this pertains to the perpetrators of the October 1999 Parliamentary assassinations.

I urged the Armenian authorities to maintain the moratorium on the death penalty and expressed the firm conviction that the Council of Europe cannot and will not tolerate “exceptional executions”. In response, all my interlocutors voiced a strong commitment to maintaining the moratorium. President Kocharyan, recalling that in Soviet times the execution of death sentences pronounced in Armenia took place out of the republic, stated, “There have never been and there will never be executions in Armenia”.

I strongly encouraged the Armenian authorities to ratify Protocol 13 to the ECHR, prohibiting the death penalty under any circumstances. This has now become a Council of Europe standard. A convincing manifestation of this European mainstream view was the opening for signature of the Protocol during the Ministerial meeting in Vilnius. On the same day, it was signed by 35 States – the first such occurrence in the history of the Organisation.

Nagorno-Karabakh conflict

Most of my discussions with Armenian interlocutors were devoted to the challenge of making progress towards a solution to the Nagorno-Karabakh conflict.

It is a worrying situation where neighbour States - members of the Council of Europe - do not entertain diplomatic relations and even their parliamentary delegations do not have normal contacts in Strasbourg. This is indicative of the limitations on democratic reform in the whole region.

The Armenian authorities still seem to be hostage to a kind of “war winners’ complex”. They focus on what they perceive as Armenian meritorious victory in a just cause and the resulting *status quo* – at the expense of giving consideration to reconciliation. Settlement is thought possible only upon acceptance by Azerbaijan and the international community of the

Armenian vision for the future of Nagorno-Karabakh. Good neighbourly relations with Azerbaijan, much as they are inevitable and the only possible solution in the interest of both sides, are of a lower order of priority for the moment.

I discussed with President Kocharyan the negative impact of the prevailing military outlook on the conflict. I reiterated the importance attached by the Council of Europe to the commitment accepted both by Armenia and Azerbaijan towards a peaceful settlement of the conflict and stated my conviction that, should the sides resort to renewed military action, the two countries would be literally “banned” from Europe for a very long time.

President Kocharyan agreed that the Azerbaijan territories, outside of Nagorno-Karabakh, presently occupied by Armenia are to be returned to Azerbaijan in the context of a package settlement.

I had a very detailed discussion with Foreign Minister Oskanyan on the state of settlement efforts. I encouraged the Minister to take additional steps to enable the other side to accept a compromise. We also exchanged views on the possibilities for the opening of the railway connections Kars-Gyumri-Tbilisi and Baku-Nakhichevan-Yerevan.

Minister Oskanyan raised the issue of the “presidential election” in Nagorno-Karabakh, scheduled for 11 August 2002. He argued that the Council of Europe should refrain from taking a public stand.

I sought to impress on my interlocutors that the Council of Europe places much hope on the direct talks between the Presidents of Armenia and Azerbaijan. It will take two politicians with courage and vision to solve the conflict.

I was satisfied to learn from the Foreign Minister that a channel of communication had recently been opened with his Turkish counterpart.

Commitments

I commended the Armenian authorities on the fulfilment of a number of commitments to the Council of Europe. At the same time, I expressed concern at the postponement of the Constitutional reform, which effectively blocks the adoption of a broad range of laws, indispensable to the democratic reform in the country. Amongst others, this reflects negatively on the independence of the judiciary, law on the Ombudsman, local democracy.

At present the referendum seems to be tentatively scheduled for May 2003. I took the view that this must be seen as the latest possible postponement.

The electoral calendar of Armenia

Local elections are to be held between 24 September and 24 October. The Presidential elections are scheduled for February 2003 and parliamentary elections for May 2003.

The Electoral code has now been adopted. I met with opposition parties in the Parliament who voiced their fear of unfair elections.

It is to be regretted that Constitutional reform allowing for the fulfilment of a number of commitments to the Council of Europe which would create more guarantees for fair play during the run-up to the elections will take place only after the elections.

My conclusion is that it is in the interest of the Council of Europe, but above all in the interest of democratic reform in Armenia, that the Organisation follow up and monitor closely the preparations and the holding of the elections in Armenia.

Finally, I also had the opportunity to present the work of the Council of Europe at Yerevan State University. This was followed by a lively and fruitful discussion. The vivid interest shown by the young participants bodes well for a positive development of civil society in Armenia.

c) “The former Yugoslav Republic of Yugoslavia”, 19 July 2002

During my visit to Skopje on 18 and 19 July, I had extensive discussions with President Trajkovski, Mr Andov, Speaker of the Parliament, Mr Georgievski, Prime Minister, Mr Casule, Minister for Foreign Affairs and Mr Arslani, Minister for Local Self-Government.

I also met the leaders of the four main political parties and I had the opportunity to exchange views with NATO Ambassador, Mr Biegman, EU Special Representative, Mr Le Roy, and OSCE Ambassador, Mr Jenness.

The visit took place on the day following the end of the current four-year legislature, which had adopted the Framework Agreement (Ohrid Agreement) just ahead of the forthcoming elections scheduled for 15 September 2002.

In my talks I expressed my satisfaction with the impressive work carried out by the Government and Parliament in the successful adoption of the main laws agreed to in Ohrid. However, I stressed the need to pursue the full implementation of the laws adopted and highlighted the need for progress, in particular concerning the passport law and the Law on Local Finance.

I also recalled the readiness of the Council of Europe to assist the authorities in this task, *inter alia* through the presence of Mr Owen Masters, my Special Representative in Skopje, so as to ensure that new drafts be presented on schedule.

I stressed that the forthcoming elections will be crucial for the country’s democratic future. All of my interlocutors underlined the capital importance of these Parliamentary elections as a test for the democratic maturity and stability of the country. I said that they should indeed be seen as the beginning of a new era in the country’s path to further European integration, rather than the final act of a crisis phase.

I assured the authorities that the Council of Europe will do its part, including by the presence of the pre-election and election observation team from the Parliamentary Assembly. However, the political parties will have to avoid hate-speech, increase transparency, and respect a “code of conduct” that will guarantee a decent campaign.